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12 Attorneys for United States of America

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 UNITED STATES OF AMERICA,) NO. CR 17-00204 JD
17 Plaintiff,)
18 v.) STIPULATION AND PROPOSED ORDER TO
19 EUGENE LATRELL MCNEELY,) CONTINUE CHANGE OF PLEA HEARING FROM
20 Defendant.) MAY 9, 2018, TO MAY 23, 2018, AND EXCLUDE
21) TIME UNDER THE SPEEDY TRIAL ACT
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19 The defendant, Eugene Latrell McNeely, by and through his attorney, Kenneth H. Wine, and the
20 government, by and through its attorneys, Alex G. Tse, Acting United States Attorney, and William J.
21 Gullotta, Assistant U.S. Attorney, hereby jointly request that the hearing in the above-captioned matter
22 currently scheduled for May 9, 2018, be continued to May 23, 2018, for a change of plea hearing.

23 The parties are close to an agreement to resolve this case, however the details are not yet
24 finalized and likely will not be finalized sufficiently in advance of the hearing scheduled for May 9,
25 2018, to give the Court time to review any agreement the parties may reach. As such, the parties jointly
26 request a two-week continuance to provide the government with additional time to complete its review
27 of the proposed agreement and obtain the required approvals, and to allow defense counsel sufficient
28 time to review the finalized agreement with the defendant.

The parties jointly stipulate that the time from May 9, 2018, through May 23, 2018, should be excluded under the Speedy Trial Act from the time in which the defendant must be brought to trial pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, for effective preparation of counsel. The defense continues to review the discovery in this case and discuss the proposed plea agreement with Mr. McNeely. Therefore, the parties agree that the time period from May 9, 2018, through May 23, 2018, inclusive, should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv) on the basis that the ends of justice served by the continuance outweigh the best interests of the public and defendant in a speedy trial, and failing to exclude this time would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

IT IS SO STIPULATED.

DATED: May 7, 2018

Respectfully submitted,

ALEX G. TSE
Acting United States Attorney

DATED: May 7, 2018

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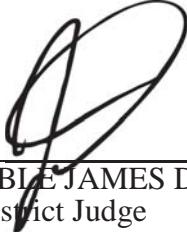
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1 [PROPOSED] ORDER
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3 Based upon the representations of counsel and for good cause shown, the Court finds that failing
4 to exclude the time from May 9, 2018, to May 23, 2018, would deny counsel the reasonable time
5 necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §
6 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from
7 May 9, 2018, to May 23, 2018, from computation under the Speedy Trial Act outweigh the best interests
8 of the public and the defendant in a speedy trial. Therefore, **IT IS HEREBY ORDERED** that the
9 change of plea hearing in this matter is continued from May 9, 2018, to May 23, 2018, at 10:30 a.m.
10 before the Honorable James Donato, and the time between May 9, 2018, through May 23, 2018,
11 inclusive, is excluded from the Speedy Trial Act for effective preparation of counsel, taking into account
12 due diligence, under 18 U.S.C. § 3161(h)(7)(b)(iv).

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14 DATED: 5/8/18

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16 THE HONORABLE JAMES DONATO
17 United States District Judge
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